

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SAQUAN E. PARKS,

Plaintiff,

v.

B. GOMEZ,

Defendant.

Case No. 1:24-cv-01088-EPG (PC)

FINDINGS AND RECOMMENDATIONS
TO DISMISS CERTAIN CLAIMS

(ECF NO. 1)

OBJECTIONS, IF ANY, DUE WITHIN
FOURTEEN DAYS

AND

ORDER DIRECTING CLERK
TO ASSIGN DISTRICT JUDGE

Plaintiff Saquan E. Parks is a state prisoner proceeding *pro se* in this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed the complaint commencing this action on September 4, 2024. (ECF No. 1). The complaint generally alleges that correctional officer Gomez filed a false Rules Violation Report (“RVR”) against him claiming that he was requesting mental health treatment to avoid taking on a cellmate. (*See generally* ECF No. 1).

The Court screened Plaintiff’s complaint and issued a Screening Order on January 21, 2025. (ECF No. 12). The Court found that only Plaintiff’s claim for retaliation in violation of the First Amendment against Defendant B. Gomez should proceed past screening. (*Id.* at 1).

The Court gave Plaintiff 30 days to either:

- a. Notify the Court that he wants to proceed only on the claim for Retaliation in violation of the First Amendment against Defendant B. Gomez;

- 1 b. File a First Amended Complaint; or
- 2 c. Notify the Court in writing that he wants to stand on his
- complaint.

3 (*Id.* at 9). On February 21, 2025, Plaintiff filed notice (ECF No. 13) that he wishes “to proceed
4 with only the claim of retaliation against defendant B. Gomez” that the Court found should
5 proceed past screening.

6 Accordingly, for the reasons set forth in the Court’s screening order that was entered on
7 January 21, 2025 (ECF No. 12), and because Plaintiff has notified the Court that he wants to
8 proceed only on the claim that the Court found should proceed past screening (ECF No. 13):

- 9 1. It is **RECOMMENDED** that this case proceed on Plaintiff’s claim for retaliation in
10 violation of the First Amendment against Defendant Gomez and all other claims and
11 defendants shall be dismissed.

12 These findings and recommendations will be submitted to the United States district
13 judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within
14 fourteen (14) days after being served with these findings and recommendations, Plaintiff may
15 file written objections with the Court. The document should be captioned “Objections to
16 Magistrate Judge’s Findings and Recommendations.” Any objections shall be limited to no
17 more than 15 pages including exhibits. Plaintiff is advised that failure to file objections within
18 the specified time may result in the waiver of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d
19 834, 838–39 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

20 The Clerk of the Court is directed to randomly assign a district judge to this action.

21 IT IS SO ORDERED.

23 Dated: February 25, 2025

24 /s/ *Eric P. Groj*
UNITED STATES MAGISTRATE JUDGE